

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE L. BAYLOR,

Defendant.

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**AMENDED  
SCHEDULING ORDER**

Criminal No. 12-CR-144A

Defendant has filed a motion for an extension of time to file pretrial motions. (Dkt. #21). There being no opposition to the extension of time by the government, defendant's motion has been granted, and this Court's Amended Scheduling Order dated November 13, 2012 is hereby amended as follows:

- (1) All pretrial motions, both dispositive and non-dispositive, including all supporting papers and memoranda of law in support thereof, shall be filed by **February 19, 2013**.
- (2) All responses to pretrial motions, including all supporting papers and memoranda of law in support thereof, filed in accordance with the preceding paragraph shall be filed by **March 12, 2013**.
- (3) Oral argument on any pretrial motions shall be heard on **March 19, 2013 at 10:00 a.m.**
- (4) **IF NO MOTIONS ARE FILED ON OR BEFORE THE AFORESAID DATE, THE GOVERNMENT IS HEREBY ORDERED TO APPLY FOR A TRIAL DATE FROM HON. RICHARD J. ARCARA NO LATER THAN FEBRUARY 21, 2013.**

In accordance with the United States Supreme Court's decisions in *Zedner v. United States*, 547 U.S. 489 (2006) and *Bloate v. United States*, 559 U.S. \_\_\_, No. 08-728 (Mar. 8, 2010), the period of time from the date of this order, until the date of making and/or filing of pretrial motions is excluded pursuant to and in accordance with the provisions contained

in 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv) for the reasons stated on the record herein.

If no motions are filed by the filing date set forth in paragraph (2), the case shall be referred to the district court judge to whom the case is assigned for trial and the speedy trial exclusion set forth above shall terminate as of the cutoff date for the filing of motions set forth herein.

Any requests for extension of the above dates must be made by the filing of a motion, electronically, with the Clerk of the Court, prior to the due date. Such application shall be made only after conferring with all other parties and shall include a suggested rescheduled date, agreeable to all parties. As a general rule, no request for an extension will be granted unless extraordinary circumstances are present.

Failure by any party to raise defenses or objections, or to make requests which must be made prior to trial at the time set forth in this scheduling order or prior to any extension made by the court shall constitute a waiver thereof. FedR.Crim.P. 12(f).

**Counsel for the parties are directed to provide the Court with a courtesy copy of Motions, Responses, Replies, Memoranda of Law, and Exhibits clearly marked.**

**SO ORDERED.**

*S/ H. Kenneth Schroeder, Jr.*  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**

**DATED:      January 2, 2013**  
**Buffalo, New York**